

WETLANDS COUNCIL

MINUTES

April 25, 2006

The Wetlands Council met on Tuesday, April 25, 2006 at the
Department of Environmental Services, 29 Hazen Dr., Concord, NH

Attendees: Brian K. Fowler, Chairman, Lawrence E. Morse, David Barrett,
Thomas G. Chrisenton, John S. Cobb, Paul W. Goodwin, Daniel
Lynch, Russ St. Pierre and Thomas Sloan

Absentee: William M. Dannehy, Camilla Lockwood, Seth Prescott and Jack
Ruderman

The meeting was called to order by Chairman Brian K. Fowler at 9:00 a.m.

1. Approval of Minutes of April 11, 2006 Meeting

A motion was made by Councilor Cobb and seconded by Councilor Barrett to approve the minutes of April 11, 2006 as presented. It was unanimously voted.

2. Status of Appeals

Michael Sclafani, Appeals Clerk, distributed an Appeals Status Report and reviewed the report with council members.

- Docket No. 02-16 WtC - Donald S. Thompson: WB #2002-01019
A stay remains in effect.
- Docket No. 04-21 WtC - Lakeshore Realty Trust: WB #2001-01294
A stay is in effect until June 20, 2006.
- Docket No. 05-04 WtC - Philip and Georgette Smith: WB #2000-00914
A hearing is scheduled for September 12, 2006 at 10:00 a.m.
- Docket No. 05-12 WtC - Town of Barrington: WB #2004-02817
On April 11, 2006, appellant's Motion for Reconsideration was granted. A written Decision & Order has not been issued.
- Docket No. 05-23 WtC - Joseph Develis, Jr.: WB #2004-02959
The appellant will either withdraw this appeal or request that a pre-hearing conference be reconvened by May 14, 2006.
- Docket No. 05-24 WtC - Marconi: WB #2004-02046
A pre-hearing conference was held on April 11, 2006. A hearing is scheduled for July 11, 2006 at 10:00 a.m.

- Docket No. 06-01 WtC - Sumac Corp: WB #2005-00558
A pre-hearing conference was held on April 11, 2006. A hearing is scheduled for June 13, 2006 at 10:00 a.m.
- Docket No. 06-02 WtC - Bodanza: WB #2002-02483
A pre-hearing conference is scheduled for May 9, 2006 at 10:00 a.m. Attorney Thomas J. Schlesinger filed an appearance on behalf of the applicant on April 18, 2006.
- Docket No. 06-03 WtC - Donald & Mary Larson: WB #2005-02387
A pre-hearing conference is scheduled for May 9, 2006 at 1:00 p.m. On April 24, 2006 the Wetlands Bureau filed its certified record.

3. **Petition for Declaratory Ruling - Laconia Airport Authority**
Councilor Morse made a motion in accordance with Env-WtC 209 that the council go into nonpublic session to discuss procedural issues with regard to the Petition for Declaratory Ruling filed by the NH DES Wetlands Bureau and Laconia Airport Authority. Councilor Sloan seconded the motion and it was unanimously voted.

9:12 The council went into nonpublic session.

9:58 Pursuant to a motion made by Councilor Sloan, seconded by Councilor Morse and unanimously voted to conclude the nonpublic session, Chairman Fowler reconvened the Wetlands Council meeting.

Chairman Fowler explained that the nonpublic session was held to discuss council rules Env-WtC 209.03, Processing of Petitions for Declaratory Rulings.

Following review and discussion, Councilor Barrett (NH Department of Safety) made a motion that, pursuant to rule Env-WtC 209.03, the council issue a declaratory ruling in favor of the petitioners, NH DES Wetlands Bureau and the Laconia Airport Authority. This declaratory ruling is based on the findings that issues of public safety supercede the need for preservation of prime wetlands and, further, that this ruling is specific to the unique site and circumstances presented in this petition and is not intended to set a precedent with regard to any other prime wetlands. Councilor Goodwin (NH Marine Trades) seconded the motion and it was unanimously voted.

Chairman Fowler explained that the council could not take comments from any parties with regard to this petition by rule and apologized to those in attendance who were anticipating an opportunity to testify.

Chairman Fowler also stated that this declaratory ruling is specific to the petition brought before the council by the NH DES Wetlands Bureau and the Laconia Airport Authority in response to what the council perceives to be safety issues. Any petitions brought before the council in the future will be decided on a case-by-case basis.

4. **Old Business**

No old business was brought before the council.

5. **Other Business**

Operating Committee

Councilor Morse suggested that the council consider providing testimony to legislative committees that are working on issues which affect the council, i.e. the study committee for the Comprehensive Shoreland Protection Act. It was suggested that Councilor Morse request that Commissioner Nolin attend an Operating Committee meeting to discuss issues which need clarification.

Councilor Morse advised the council that notices have gone out to stakeholders for meetings which will be held at DES on May 9 and May 23, 2006.

6. **Next Meeting**

The next meeting is scheduled for June 13, 2006.

7. **Adjournment**

A motion was made by Councilor Barrett, seconded by Councilor Goodwin and unanimously voted to adjourn.

The meeting adjourned at approximately 10:15 a.m.